

**ASSEMBLY BILL**

**No. 1213**

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**Introduced by Assembly Member Wyland**

February 22, 2005

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An act to amend Section 60900 of the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1213, as introduced, Wyland. California longitudinal pupil achievement data system: funding.

Existing law establishes the Standardized Testing and Reporting (STAR) Program under which each school district, charter school, and county office of education is required to administer to each of its pupils in grades 2 to 11, inclusive, a designated achievement test and a standards-based achievement test. Existing law requires the Superintendent of Public Instruction to apportion funds appropriated to enable school districts to use the English language development test to identify limited-English-proficient pupils, to determine their level of English language proficiency, and to assess their progress in acquiring the skills of listening, reading, speaking, and writing English. Existing law requires, commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Existing law also requires the State Department of Education to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the STAR and English language development tests and the high school

exit examination, known as the California longitudinal pupil achievement data system.

Existing law requires that the California longitudinal pupil achievement data system be implemented using federal funds pursuant to the federal No Child Left Behind Act of 2001, appropriated pursuant to a specified item of the Budget Act of 2002, and provides that the release of these funds is contingent upon approval of an expenditure plan by the Department of Finance.

This bill would repeal the requirement that the release of the funds is contingent upon the approval of an expenditure plan of the Department of Finance.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60900 of the Education Code is  
2 amended to read:

3 60900. (a) ~~The State Department of Education~~ *department*  
4 shall contract for the development of proposals ~~which~~ *that* will  
5 provide for the retention and analysis of longitudinal pupil  
6 achievement data on the tests administered pursuant to Chapter 5  
7 (commencing with Section 60600), Chapter 7 (commencing with  
8 Section 60810), and Chapter 9 (commencing with Section  
9 60850). The longitudinal data shall be known as the California  
10 longitudinal pupil achievement data system.

11 (b) The proposals developed pursuant to subdivision (a) shall  
12 evaluate and determine whether it would be most effective, from  
13 both a fiscal and a technological perspective, for the state to own  
14 the California longitudinal pupil achievement data system. The  
15 proposals shall additionally evaluate and determine the most  
16 effective means of housing the California longitudinal pupil  
17 achievement data system.

18 (c) The California longitudinal pupil achievement data system  
19 shall be developed and implemented in accordance with all state  
20 rules and regulations governing information technology projects.

21 (d) The system or systems developed pursuant to this section  
22 shall be used to accomplish all of the following goals:

23 (1) To provide school districts and ~~the State Department of~~  
24 ~~Education~~ *department* access to data necessary to comply with

1 federal reporting requirements delineated in the No Child Left  
2 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

3 (2) To provide a better means of evaluating educational  
4 progress and investments over time.

5 (3) To provide local educational agencies information that can  
6 be used to improve pupil achievement.

7 (4) To provide an efficient, flexible, and secure means of  
8 maintaining longitudinal statewide pupil level data.

9 (e) In order to comply with federal law as delineated in the No  
10 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the  
11 local educational agency shall retain individual pupil records for  
12 each test taker, including all of the following:

13 (1) All demographic data collected from the STAR test, high  
14 school exit examination, and English language development test.

15 (2) Pupil achievement data from assessments administered  
16 pursuant to the STAR, high school exit examination, and English  
17 language development testing programs. To the extent feasible,  
18 data should include subscore data within each content area.

19 (3) A unique pupil identification number to be identical to the  
20 pupil identifier developed pursuant to the California School  
21 Information Services, which shall be retained by each local  
22 educational agency and used to ensure the accuracy of  
23 information on the header sheets of the STAR tests, high school  
24 exit examination, and the English language development test.

25 (4) All data necessary to compile reports required by the  
26 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
27 et seq.), including, but not limited to, dropout and graduation  
28 rates.

29 (5) Other data elements deemed necessary by the  
30 Superintendent of Public Instruction, with approval of the State  
31 Board of Education, to comply with the federal reporting  
32 requirements delineated in the No Child Left Behind Act of 2001  
33 (20 U.S.C. Sec. 6301 et seq.), after review and comment by the  
34 advisory board convened pursuant to subdivision (h).

35 (f) The California longitudinal pupil achievement data system  
36 or systems shall have all of the following characteristics:

37 (1) The ability to sort by demographic element collected from  
38 the STAR tests, high school exit examination, and English  
39 language development test.

1 (2) The capability to be expanded to include pupil  
2 achievement data from multiple years.

3 (3) The capability to monitor pupil achievement on the STAR  
4 tests, high school exit examination, and English language  
5 development test from year to year and school to school.

6 (4) The capacity to provide data to the state and local  
7 educational agencies upon their request.

8 (g) Data elements and codes included in the system shall  
9 comply with Sections 49061 to 49079, inclusive,~~and with~~  
10 Sections 49602 and 56347, with Sections 430 to 438, inclusive,  
11 of Title 5 of the California Code of Regulations, with the  
12 Information Practices Act of 1977 (Chapter 1 (commencing with  
13 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil  
14 Code), and with the Family Education Rights and Privacy Act  
15 statute (20 U.S.C. Secs. 1232g and 1232h) and related federal  
16 regulations.

17 (h) ~~The State Department of Education~~ *department* shall  
18 convene an advisory board consisting of representatives from the  
19 State Board of Education, the Secretary for Education, the  
20 Department of Finance, the State Privacy Ombudsman, the  
21 Legislative Analyst's office, representatives of parent groups,  
22 school districts, and local educational agencies, and education  
23 researchers to establish privacy and access protocols, provide  
24 general guidance, and make recommendations relative to data  
25 elements. The department is encouraged to seek representation  
26 broadly reflective of the general public of California.

27 (i) Subject to funding being provided in the annual Budget  
28 Act, ~~the State Department of Education~~ *department* shall contract  
29 with a consultant for independent project oversight. The Director  
30 of Finance shall review the request for proposals for the contract.  
31 The consultant hired to conduct the independent project oversight  
32 shall twice annually submit a written report to the Superintendent  
33 ~~of Public Instruction~~, the State Board of Education, the advisory  
34 board, the Director of Finance, the Legislative Analyst, and the  
35 appropriate policy and fiscal committees of the Legislature. The  
36 report shall include an evaluation of the extent to which the  
37 California longitudinal pupil achievement data system is meeting  
38 the goals described in subdivision (b) and recommendations to  
39 improve the data system in ensuring the privacy of individual

1 pupil information and providing the data needed by the state and  
2 school districts.

3 (j) This section shall be implemented using federal funds  
4 received pursuant to the federal No Child Left Behind Act of  
5 2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for  
6 purposes of this section in Item 6110-113-0890 of Section 2.00  
7 of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002).  
8 ~~The release of these funds is contingent on approval of an~~  
9 ~~expenditure plan by the Department of Finance.~~

10 (k) For purposes of this chapter, a local educational agency  
11 shall include a county office of education, a school district, or  
12 charter school.